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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,352	04/26/2001	Moshe Shavit	782.1099	6968
21171	7590	12/18/2003	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			HASHEM, LISA	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 12/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/842,352	SHAVIT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lisa Hashem	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 26 April 2001.  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 4-26-2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
 a) The translation of the foreign language provisional application has been received.  
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> .	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. Claims 1-18 are pending in this office action.

### ***Information Disclosure Statement***

2. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 5, is attached to the instant office action.

### ***Drawings***

3. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on April 26, 2001 have been accepted.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S.

Patent Application Publication No. US 2002/0146096 by Agarwal et al, hereinafter Agarwal.

Regarding claim 1, Agarwal discloses a method for selecting a delivery mechanism for a Message (see Abstract), comprising: creating, by a sender of the message or authorized person (page 8, column 2, section 0134, lines 1-2), a priority table of delivery devices of a recipient of the message (page 9, column 1, section 00143, line 1 – page 9, column 2, section 00151, line 1); selecting a delivery device from the priority table having the highest priority and sending the message to the selected device; and continuing, if the recipient did not receive the message using

the highest priority delivery device, to sequentially select another delivery device according to the priority table and send the message to the selected delivery device, until the recipient receives the message (page 9, column 2, section 0152, lines 1-7 and lines 13-18).

Regarding claim 2, the method of claim 1 mentioned above, wherein Agarwal further discloses inherently determining the reachability of the recipient before sending the message to the selected delivery device; the sender can inherently update the escalation method according to the reachability of the recipient (page 10, column 2, section 0162, lines 1-11).

Regarding claim 3, the method of claim 1 mentioned above, wherein Agarwal further discloses if the message has not been delivered to the recipient after the last delivery device has been selected, selection of delivery devices begins again, starting with the highest priority delivery device in the priority table, after a predetermined time has expired (page 9, column 2, section 0152, lines 13-26).

Regarding claim 4, the method of claim 1 mentioned above, wherein Agarwal further discloses the priority table is configured in a way that all messages are sent to the recipient using a particular delivery device via a Data Transport Engine (DTE-1; Figure 1, 5) (page 2, column 2, section 0066, line 1 – page 3, column 1, section 0066, line 1).

Regarding claim 5, the method of claim 4, wherein mentioned above, wherein Agarwal further discloses the priority table comprises a name/ID of the recipient, the delivery device, and a delivery address for the delivery device (page 5, column 2, section 0088, line 1 – page 6, column 1, section 0102, line 9; page 6, column 1, section 0104, line 1 – page 6, column 2, section 0106, line 8).

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Regarding claim 6, the method of claim 1 mentioned above, wherein Agarwal further discloses the priority table can be configured in a way that a delivery device is selected according to time of day and day of week (page 10, column 1, section 0156, lines 12-18; page 10, column 2, section 0162, lines 1-11).

Regarding claim 7, the method of claim 6 mentioned above, wherein Agarwal further discloses the priority table inherently comprises a name/ID of the recipient, a list of delivery times and dates, delivery devices corresponding to the delivery times and dates, and delivery addresses corresponding to the delivery devices, if an automatic reminder method is used (page 6, column 1, section 0104, line 1 – page 6, column 2, section 0106, line 8; page 10, column 2, section 0160, line 1 – page 10, column 2, section 0161, line 5).

Regarding claim 8, the method of claim 1 mentioned above, wherein Agarwal further discloses the priority table is configured in a way that the first delivery device selected to send a current message is inherently the same device used to deliver a previous message to the recipient (e.g. a personal computer) (page 8, column 2, section 0134, lines 1-2; page 9, column 2, section 0152, lines 21-22), and the previous message was delivered within a predetermined amount of time before the current message is sent (page 9, column 2, section 0152, lines 23-24; page 9, column 2, section 0153, lines 5-7).

Regarding claim 9, the method of claim 1 mentioned above, wherein Agarwal further discloses the priority table is configured in a way that the first delivery device selected to send a current message may be a same type of device as the type of device used by the sender to create the message (page 2, column 2, section 0066, line 13 – page 3, column 1, section 0066, line 1; page 3, column 1, section 0069, lines 1-16).

Regarding claim 10, the method of claim 1 mentioned above, wherein Agarwal further discloses the sender sends a message to one or more recipients and creates a priority table for each recipient (page 3, column 2, section 0072, lines 1-25; page 6, column 2, section 0106, lines 8-11; page 9, column 2, section 0152, lines 35-38; page 9, column 2, section 00153, lines 1-10).

Regarding claim 11, the method of claim 1 mentioned above, wherein Agarwal further discloses the delivery device comprises one of a 3G wireless device or future device, a mobile phone, a fixed telephone or home phone, a personal computer, a facsimile device, a pager, and a personal digital assistant (page 9, column 1, section 0144, line 1 – page 9, column 2, section 0151, line 1).

Regarding claim 12, the method of 1 mentioned above, wherein Agarwal further discloses a format of the message comprises one of a voice message, a text message, an electronic mail message, an instant message, a short message service message, and a video message (page 4, column 1, section 0075, lines 1-12).

Regarding claim 13, Agarwal discloses a system for selecting a delivery mechanism of a message (see Abstract), comprising: a preferences and profile database or DB1 (Figure 1, 11) containing a priority table, created by a sender of the message or authorized person (page 8, column 2, section 0134, lines 1-2), of delivery devices of a recipient of the message (page 9, column 1, section 00143, line 1 – page 9, column 2, section 00151, line 1); and a priority delivery selection logic unit orINI file selecting a delivery device from the priority table having the highest priority and sending the message to the selected device, and continuing, if the recipient did not receive the message using the highest priority delivery device, to sequentially select another delivery device according to the priority table and send the message to the selected

delivery device, until the recipient receives the message (page 9, column 1, section 0143, lines 1-3; page 9, column 2, section 0152, lines 1-7 and lines 13-18).

Regarding claim 14, the system of claim 13 mentioned above, wherein Agarwal further discloses the priority delivery selection logic unit and the preferences and profiles database are located within a store and forward portion of a multimedia messaging system (as shown in Figure 1).

Regarding claim 15, the system of claim 13 mentioned above, wherein Agarwal further discloses inherently determining the reachability of the recipient before sending the message to the selected delivery device; the sender can inherently update the escalation method according to the reachability of the recipient (page 10, column 2, section 0162, lines 1-11).

Regarding claim 16, Agarwal discloses a computer-readable storage controlling a computer to select a delivery mechanism for a message (see Abstract) and comprising a process of: creating, by a sender of the message or authorized person (page 8, column 2, section 0134, lines 1-2), a priority table of delivery devices of a recipient of the message (page 9, column 1, section 00143, line 1 – page 9, column 2, section 00151, line 1); selecting a delivery device from the priority table having the highest priority and sending the message to the selected device; and continuing, if the recipient did not receive the message using the highest priority delivery device, to sequentially select another delivery device according to the priority table and send the message to the selected delivery device, until the recipient receives the message (page 9, column 2, section 0152, lines 1-7 and lines 13-18).

Regarding claim 17, the method of claim 16 mentioned above, wherein Agarwal further discloses inherently determining the reachability of the recipient before sending the message to

the selected delivery device; the sender can inherently update the escalation method according to the reachability of the recipient (page 10, column 2, section 0162, lines 1-11).

Regarding, claim 18, the method of claim 16 mentioned above, wherein Agarwal further discloses if the message has not been delivered to the recipient after the last delivery device has been selected, selection of delivery devices begins again, starting with the highest priority delivery device in the priority table, after a predetermined time has expired (page 9, column 2, section 0152, lines 13-26).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent Application Publication No. US 2002/0067806 by Rodriguez et al teach a system and method for notifying a user of urgent phone messages; multiple locations, such as pagers, email addresses, and alternate phone numbers are contacted in order to inform the user of the urgent message

7. Any response to this action should be mailed to:

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**Or faxed to:**

(703) 872-9314 (for formal communications intended for entry)

**Or call:**

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Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

LH

lh

December 1, 2003

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

